

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CROSS RIVER BANK,

Plaintiff,

v.

3 BEA'S ASSISTED LIVING LLC, a
Maryland Limited Liability Company, a/k/a
THREE BEA'S ASSISTED LIVING
CONNIE STEWART, and
DAVID STEWART

Defendants.

Case No. 8:21-cv-03210-TJS

ORDER GRANTING SUMMARY JUDGMENT

UPON CONSIDERATION of the Motion for Summary Judgment of Plaintiff Cross River Bank for Breach of Contract, Money Had and Received, Unjust Enrichment, Conversion, Fraud/Misrepresentation, Negligent Misrepresentation, and Fraudulent Conveyance, the memorandum and exhibits submitted therewith and any opposition thereto and the entire record herein, it is, this _____ day of _____, 2023,

ORDERED that said motion be, and hereby is, GRANTED as to Counts One (Breach of Contract) and Seven (Fraudulent Conveyance) and it is further,

ORDERED that judgment be, and hereby is entered in favor of the Plaintiff against Defendants 3 Bea's Assisted Living, LLC a/k/a Three Bea's Assisted Living and Connie Stewart jointly and severally in the total amount of unpaid bank funds of \$1,701,399.47 plus interest pursuant to the Promissory Note at a rate of 1% per year in the amount of \$58,088.52 through October 5, 2023, plus 5% late fees in the amount of \$85,069.97 through October 5, 2023, for a total of \$1,844,557.96 plus attorneys' fees in the amount of \$295,342.25* and costs in the amount

of \$,1883.47* and it is further,

ORDERED that the Grant Deed signed on December 4, 2020, and recorded on March 3, 2021 at Book 45053, Page 178 of the Prince George's County Land Records, concerning real property having a street address of: 13500 Danielle Circle, Brandywine, Maryland 20613, being known and designated as Lot 9 as shown on a plat entitled "Plat of Correction Plat One Lots 1, 2, 9, 10 & 11 Erik's Ridge" as per Plat thereof recorded in Plat Book REP 215 at Plat 33 among the Land Records of Prince George's County, Maryland (the "Property"), and purporting to transfer the aforesaid Property from Connie Stewart, as Grantor, to her sons, Burton Sherbert and David Stewart, as Grantees, is hereby set aside as a fraudulent conveyance, made for no fair consideration, pursuant to the Maryland Uniform Fraudulent Conveyance Act. Md. Code, Com. Law §§ 15-201 et seq. ("MUFCA"), and it is further

ORDERED that the Grant Deed signed on August 30, 2021, and recorded on November 10, 2021 at Book 46553, Page 411 of the Prince George's County Land Records, concerning the Property, and purporting to transfer the aforementioned Property from Burton Sherbert and David Stewart, Jr., as Grantors, to Connie Stewart and David Stewart, Jr. as Grantees, is hereby set aside as a fraudulent conveyance, made for no fair consideration pursuant to the Maryland Uniform Fraudulent Conveyance Act Md. Code Com. Law §§ 15-201 et seq. ("MUFCA"), and it is further

ORDERED that as a result of the above-referenced voiding of the Grant Deed signed on December 4, 2020, and voiding of the Grant Deed signed on August 30, 2021, Connie Stewart is declared to be the sole owner of the Property pursuant to a Deed dated September 25, 2020, and

* Attorney's fees may be modified as set forth in Plaintiff's memorandum, pursuant to L.R.Civ.P. 109(2) and Appendix B to be filed in accordance with the time frames set forth therein. A Bill of Costs will also be submitted in accordance with L.R.Civ.P. 109(1).

recorded on October 14, 2020 at Book 44225, Page 314 of the Prince George's County Land Records; and it is further

ORDERED that any and all remedies pursuant to the MUFCA and any and all equitable remedies with respect to the Property be made available to Plaintiff upon application to the Court; and it is further

ORDERED that all applicable post-judgment interest be awarded in favor of the Plaintiff and against Defendants 3 Bea's Assisted Living LLC and Connie Stewart in an amount to be determined upon application to the Court.

Date:

Timothy J. Sullivan
United States Magistrate Judge